

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 199

AN ACT

To repeal 32.087, 77.030, 115.003, 115.005, 115.007, 115.121, 115.249, 115.259, 115.281, 115.299, 115.300, 115.341, 115.349, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.607, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 190.335, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof forty-one new sections relating to elections, with an effective date for certain sections and an emergency clause for a certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 32.087, 77.030, 115.003, 115.005,
2 115.007, 115.121, 115.249, 115.259, 115.281, 115.299, 115.300,
3 115.341, 115.349, 115.383, 115.419, 115.423, 115.433, 115.436,
4 115.439, 115.449, 115.455, 115.456, 115.493, 115.607, 144.020,
5 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525,
6 144.610, 144.613, 144.615, 190.335, 473.730, 473.733, and
7 473.737, RSMo, are repealed and forty-one new sections enacted in
8 lieu thereof, to be known as sections 32.087, 77.030, 96.229,
9 115.003, 115.005, 115.007, 115.121, 115.249, 115.259, 115.281,
10 115.299, 115.300, 115.341, 115.349, 115.383, 115.419, 115.423,
11 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493,
12 115.607, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450,

1 144.455, 144.525, 144.610, 144.613, 144.615, 190.335, 473.730,
2 473.733, 473.737, and 1, to read as follows:

3 32.087. 1. Within ten days after the adoption of any
4 ordinance or order in favor of adoption of any local sales tax
5 authorized under the local sales tax law by the voters of a
6 taxing entity, the governing body or official of such taxing
7 entity shall forward to the director of revenue by United States
8 registered mail or certified mail a certified copy of the
9 ordinance or order. The ordinance or order shall reflect the
10 effective date thereof.

11 2. Any local sales tax so adopted shall become effective on
12 the first day of the second calendar quarter after the director
13 of revenue receives notice of adoption of the local sales tax,
14 except as provided in subsection 18 of this section, and shall be
15 imposed on all transactions on which the Missouri state sales tax
16 is imposed.

17 3. Every retailer within the jurisdiction of one or more
18 taxing entities which has imposed one or more local sales taxes
19 under the local sales tax law shall add all taxes so imposed
20 along with the tax imposed by the sales tax law of the state of
21 Missouri to the sale price and, when added, the combined tax
22 shall constitute a part of the price, and shall be a debt of the
23 purchaser to the retailer until paid, and shall be recoverable at
24 law in the same manner as the purchase price. The combined rate
25 of the state sales tax and all local sales taxes shall be the sum
26 of the rates, multiplying the combined rate times the amount of
27 the sale.

28 4. The brackets required to be established by the director
29 of revenue under the provisions of section 144.285 shall be based

1 upon the sum of the combined rate of the state sales tax and all
2 local sales taxes imposed under the provisions of the local sales
3 tax law.

4 5. (1) The ordinance or order imposing a local sales tax
5 under the local sales tax law shall impose a tax upon all
6 [sellers a tax for the privilege of engaging in the business of
7 selling tangible personal property or rendering taxable services
8 at retail] transactions upon which the Missouri state sales tax
9 is imposed to the extent and in the manner provided in sections
10 144.010 to 144.525, and the rules and regulations of the director
11 of revenue issued pursuant thereto; except that the rate of the
12 tax shall be the sum of the combined rate of the state sales tax
13 or state highway use tax and all local sales taxes imposed under
14 the provisions of the local sales tax law.

15 (2) Notwithstanding any other provision of law to the
16 contrary, local taxing jurisdictions, except those in which
17 voters have previously approved a local use tax under section
18 144.757, shall have placed on the ballot on or after the general
19 election in November 2014, but no later than the general election
20 in November 2016, whether to repeal application of the local
21 sales tax to the titling of motor vehicles, trailers, boats, and
22 outboard motors that are subject to state sales tax under section
23 144.020 and purchased from a source other than a licensed
24 Missouri dealer. The ballot question presented to the local
25 voters shall contain substantially the following language:

26 Shall the (local
27 jurisdiction's name) discontinue applying and collecting the
28 local sales tax on the titling of motor vehicles, trailers,
29 boats, and outboard motors that were purchased from a source

1 other than a licensed Missouri dealer? Approval of this measure
2 will result in a reduction of local revenue to provide for vital
3 services for (local jurisdiction's name)
4 and it will place Missouri dealers of motor vehicles, outboard
5 motors, boats, and trailers at a competitive disadvantage to non-
6 Missouri dealers of motor vehicles, outboard motors, boats, and
7 trailers.

8 ☐ YES ☐ NO

9 If you are in favor of the question, place an "X" in the box
10 opposite "YES". If you are opposed to the question, place an "X"
11 in the box opposite "NO".

12 (3) If the ballot question set forth in subdivision (2) of
13 this subsection receives a majority of the votes cast in favor of
14 the proposal, or if the local taxing jurisdiction fails to place
15 the ballot question before the voters on or before the general
16 election in November 2016, the local taxing jurisdiction shall
17 cease applying the local sales tax to the titling of motor
18 vehicles, trailers, boats, and outboard motors that were
19 purchased from a source other than a licensed Missouri dealer.

20 (4) In addition to the requirement that the ballot question
21 set forth in subdivision (2) of this subsection be placed before
22 the voters, the governing body of any local taxing jurisdiction
23 that had previously imposed a local use tax on the use of motor
24 vehicles, trailers, boats, and outboard motors may, at any time,
25 place a proposal on the ballot at any election to repeal
26 application of the local sales tax to the titling of motor
27 vehicles, trailers, boats, and outboard motors purchased from a
28 source other than a licensed Missouri dealer. If a majority of
29 the votes cast by the registered voters voting thereon are in

1 favor of the proposal to repeal application of the local sales
2 tax to such titling, then the local sales tax shall no longer be
3 applied to the titling of motor vehicles, trailers, boats, and
4 outboard motors purchased from a source other than a licensed
5 Missouri dealer. If a majority of the votes cast by the
6 registered voters voting thereon are opposed to the proposal to
7 repeal application of the local sales tax to such titling, such
8 application shall remain in effect.

9 (5) In addition to the requirement that the ballot question
10 set forth in subdivision (2) of this subsection be placed before
11 the voters on or after the general election in November 2014, and
12 on or before the general election in November 2016, whenever the
13 governing body of any local taxing jurisdiction imposing a local
14 sales tax on the sale of motor vehicles, trailers, boats, and
15 outboard motors receives a petition, signed by fifteen percent of
16 the registered voters of such jurisdiction voting in the last
17 gubernatorial election, calling for a proposal to be placed on
18 the ballot at any election to repeal application of the local
19 sales tax to the titling of motor vehicles, trailers, boats, and
20 outboard motors purchased from a source other than a licensed
21 Missouri dealer, the governing body shall submit to the voters of
22 such jurisdiction a proposal to repeal application of the local
23 sales tax to such titling. If a majority of the votes cast by
24 the registered voters voting thereon are in favor of the proposal
25 to repeal application of the local sales tax to such titling,
26 then the local sales tax shall no longer be applied to the
27 titling of motor vehicles, trailers, boats, and outboard motors
28 purchased from a source other than a licensed Missouri dealer.
29 If a majority of the votes cast by the registered voters voting

1 thereon are opposed to the proposal to repeal application of the
2 local sales tax to such titling, such application shall remain in
3 effect.

4 (6) Nothing in this subsection shall be construed to
5 authorize the voters of any jurisdiction to repeal application of
6 any state sales or use tax.

7 (7) If any local sales tax on the titling of motor
8 vehicles, trailers, boats, and outboard motors purchased from a
9 source other than a licensed Missouri dealer is repealed, such
10 repeal shall take effect on the first day of the second calendar
11 quarter after the election. If any local sales tax on the
12 titling of motor vehicles, trailers, boats, and outboard motors
13 purchased from a source other than a licensed Missouri dealer is
14 required to cease to be applied or collected due to failure of a
15 local taxing jurisdiction to hold an election pursuant to
16 subdivision (2) of this subsection, such cessation shall take
17 effect on March 1, 2017.

18 6. On and after the effective date of any local sales tax
19 imposed under the provisions of the local sales tax law, the
20 director of revenue shall perform all functions incident to the
21 administration, collection, enforcement, and operation of the
22 tax, and the director of revenue shall collect in addition to the
23 sales tax for the state of Missouri all additional local sales
24 taxes authorized under the authority of the local sales tax law.
25 All local sales taxes imposed under the local sales tax law
26 together with all taxes imposed under the sales tax law of the
27 state of Missouri shall be collected together and reported upon
28 such forms and under such administrative rules and regulations as
29 may be prescribed by the director of revenue.

1 7. All applicable provisions contained in sections 144.010
2 to 144.525 governing the state sales tax and section 32.057, the
3 uniform confidentiality provision, shall apply to the collection
4 of any local sales tax imposed under the local sales tax law
5 except as modified by the local sales tax law.

6 8. All exemptions granted to agencies of government,
7 organizations, persons and to the sale of certain articles and
8 items of tangible personal property and taxable services under
9 the provisions of sections 144.010 to 144.525, as these sections
10 now read and as they may hereafter be amended, it being the
11 intent of this general assembly to ensure that the same sales tax
12 exemptions granted from the state sales tax law also be granted
13 under the local sales tax law, are hereby made applicable to the
14 imposition and collection of all local sales taxes imposed under
15 the local sales tax law.

16 9. The same sales tax permit, exemption certificate and
17 retail certificate required by sections 144.010 to 144.525 for
18 the administration and collection of the state sales tax shall
19 satisfy the requirements of the local sales tax law, and no
20 additional permit or exemption certificate or retail certificate
21 shall be required; except that the director of revenue may
22 prescribe a form of exemption certificate for an exemption from
23 any local sales tax imposed by the local sales tax law.

24 10. All discounts allowed the retailer under the provisions
25 of the state sales tax law for the collection of and for payment
26 of taxes under the provisions of the state sales tax law are
27 hereby allowed and made applicable to any local sales tax
28 collected under the provisions of the local sales tax law.

29 11. The penalties provided in section 32.057 and sections

1 144.010 to 144.525 for a violation of the provisions of those
2 sections are hereby made applicable to violations of the
3 provisions of the local sales tax law.

4 12. (1) For the purposes of any local sales tax imposed by
5 an ordinance or order under the local sales tax law, all sales,
6 except the sale of motor vehicles, trailers, boats, and outboard
7 motors required to be titled under the laws of the state of
8 Missouri, shall be deemed to be consummated at the place of
9 business of the retailer unless the tangible personal property
10 sold is delivered by the retailer or his agent to an out-of-state
11 destination. In the event a retailer has more than one place of
12 business in this state which participates in the sale, the sale
13 shall be deemed to be consummated at the place of business of the
14 retailer where the initial order for the tangible personal
15 property is taken, even though the order must be forwarded
16 elsewhere for acceptance, approval of credit, shipment or
17 billing. A sale by a retailer's agent or employee shall be
18 deemed to be consummated at the place of business from which he
19 works.

20 (2) For the purposes of any local sales tax imposed by an
21 ordinance or order under the local sales tax law, the sales tax
22 upon the titling of all [sales of] motor vehicles, trailers,
23 boats, and outboard motors shall be [deemed to be consummated]
24 imposed at the rate in effect at the location of the residence of
25 the purchaser and not at the place of business of the retailer,
26 or the place of business from which the retailer's agent or
27 employee works.

28 (3) For the purposes of any local tax imposed by an
29 ordinance or under the local sales tax law on charges for mobile

1 telecommunications services, all taxes of mobile
2 telecommunications service shall be imposed as provided in the
3 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116
4 through 124, as amended.

5 13. Local sales taxes [imposed pursuant to the local sales
6 tax law] shall not be imposed on the seller [on the purchase and
7 sale] of motor vehicles, trailers, boats, and outboard motors
8 [shall not be collected and remitted by the seller,] required to
9 be titled under the laws of the state of Missouri, but shall be
10 collected from the purchaser by the director of revenue at the
11 time application is made for a certificate of title, if the
12 address of the applicant is within a taxing entity imposing a
13 local sales tax under the local sales tax law.

14 14. The director of revenue and any of his deputies,
15 assistants and employees who have any duties or responsibilities
16 in connection with the collection, deposit, transfer,
17 transmittal, disbursement, safekeeping, accounting, or recording
18 of funds which come into the hands of the director of revenue
19 under the provisions of the local sales tax law shall enter a
20 surety bond or bonds payable to any and all taxing entities in
21 whose behalf such funds have been collected under the local sales
22 tax law in the amount of one hundred thousand dollars for each
23 such tax; but the director of revenue may enter into a blanket
24 bond covering himself and all such deputies, assistants and
25 employees. The cost of any premium for such bonds shall be paid
26 by the director of revenue from the share of the collections
27 under the sales tax law retained by the director of revenue for
28 the benefit of the state.

29 15. The director of revenue shall annually report on his

1 management of each trust fund which is created under the local
2 sales tax law and administration of each local sales tax imposed
3 under the local sales tax law. He shall provide each taxing
4 entity imposing one or more local sales taxes authorized by the
5 local sales tax law with a detailed accounting of the source of
6 all funds received by him for the taxing entity. Notwithstanding
7 any other provisions of law, the state auditor shall annually
8 audit each trust fund. A copy of the director's report and
9 annual audit shall be forwarded to each taxing entity imposing
10 one or more local sales taxes.

11 16. Within the boundaries of any taxing entity where one or
12 more local sales taxes have been imposed, if any person is
13 delinquent in the payment of the amount required to be paid by
14 him under the local sales tax law or in the event a determination
15 has been made against him for taxes and penalty under the local
16 sales tax law, the limitation for bringing suit for the
17 collection of the delinquent tax and penalty shall be the same as
18 that provided in sections 144.010 to 144.525. Where the director
19 of revenue has determined that suit must be filed against any
20 person for the collection of delinquent taxes due the state under
21 the state sales tax law, and where such person is also delinquent
22 in payment of taxes under the local sales tax law, the director
23 of revenue shall notify the taxing entity in the event any person
24 fails or refuses to pay the amount of any local sales tax due so
25 that appropriate action may be taken by the taxing entity.

26 17. Where property is seized by the director of revenue
27 under the provisions of any law authorizing seizure of the
28 property of a taxpayer who is delinquent in payment of the tax
29 imposed by the state sales tax law, and where such taxpayer is

1 also delinquent in payment of any tax imposed by the local sales
2 tax law, the director of revenue shall permit the taxing entity
3 to join in any sale of property to pay the delinquent taxes and
4 penalties due the state and to the taxing entity under the local
5 sales tax law. The proceeds from such sale shall first be
6 applied to all sums due the state, and the remainder, if any,
7 shall be applied to all sums due such taxing entity.

8 18. If a local sales tax has been in effect for at least
9 one year under the provisions of the local sales tax law and
10 voters approve reimposition of the same local sales tax at the
11 same rate at an election as provided for in the local sales tax
12 law prior to the date such tax is due to expire, the tax so
13 reimposed shall become effective the first day of the first
14 calendar quarter after the director receives a certified copy of
15 the ordinance, order or resolution accompanied by a map clearly
16 showing the boundaries thereof and the results of such election,
17 provided that such ordinance, order or resolution and all
18 necessary accompanying materials are received by the director at
19 least thirty days prior to the expiration of such tax. Any
20 administrative cost or expense incurred by the state as a result
21 of the provisions of this subsection shall be paid by the city or
22 county reimposing such tax.

23 77.030. 1. Unless it elects to be governed by subsection 2
24 of this section, the council shall by ordinance divide the city
25 into not less than four wards, and two councilmen shall be
26 elected from each of such wards by the qualified voters thereof
27 at the first election for councilmen in cities hereafter adopting
28 the provisions of this chapter; the one receiving the highest
29 number of votes in each ward shall hold his office for two years,

1 and the one receiving the next highest number of votes shall hold
2 his office for one year; but thereafter each ward shall elect
3 annually one councilman, who shall hold his office for two years.

4 2. In lieu of electing councilmen as provided in subsection
5 1 of this section, the council may elect to establish wards and
6 elect councilmen as provided in this subsection. If the council
7 so elects, it shall, by ordinance, divide the city into not less
8 than four wards, and one councilman shall be elected from each of
9 such wards by the qualified voters thereof at the first election
10 for councilmen held in the city after it adopts the provisions of
11 this subsection. At the first election held under this
12 subsection the councilmen elected from the odd-numbered wards
13 shall be elected for a term of one year and the councilmen
14 elected from the even-numbered wards shall be elected for a term
15 of two years. At each annual election held thereafter,
16 successors for councilmen whose terms expire in such year shall
17 be elected for a term of two years.

18 3. (1) Council members may serve four-year terms if the
19 two-year terms provided under subsection 1 or 2 of this section
20 have been extended to four years by ordinance or by approval of a
21 majority of the voters voting on the proposal.

22 (2) The ballot of submission shall be in substantially the
23 following form:

24 Shall the terms of council members which are currently set
25 at two years in..... (city) be extended to four
26 years for members elected after August 28, 2013?

27 ☐ YES ☐ NO

28 (3) If an ordinance is passed or a majority of the voters

1 voting approve the proposal authorized in this subsection, the
2 members of council who would serve two years under subsections 1
3 and 2 of this section shall be elected to four-year terms
4 beginning with any election occurring after the adoption of the
5 ordinance or approval of the ballot question.

6 96.229. 1. Notwithstanding subsection 5 of section 96.150
7 regarding the lease of substantially all of a hospital where the
8 board of trustees is lessor, a city in which a hospital is
9 located that:

10 (1) Is organized and operated under this chapter;

11 (2) Has not accepted appropriated funds from the city
12 during the prior twenty years; and

13 (3) Is licensed by the department of health and senior
14 services for two hundred beds or more pursuant to sections
15 197.010 to 197.120,

16
17 shall not have authority to sell, lease, or otherwise transfer
18 all or substantially all of the property from a hospital
19 organized under this chapter, both real and personal, except in
20 accordance with this section.

21 2. Upon filing with the city clerk of a resolution adopted
22 by no less than two-thirds of the incumbent members of the board
23 of trustees to sell, lease, or otherwise transfer all or
24 substantially all of the hospital property, both real and
25 personal, for reasons specified in the resolution, the clerk
26 shall present the resolution to the city council. If a majority
27 of the incumbent members of the city council determine that sale,
28 lease, or other transfer of the hospital property is desirable,

1 the city council shall submit to the voters of the city the
2 question in substantially the following form:

3 "Shall the city council of _____, Missouri and the
4 board of trustees of _____ hospital be authorized to
5 sell (or lease or otherwise transfer) the property, real and
6 personal, of _____ hospital as approved by, and in
7 accordance with, the resolution of the board of trustees
8 authorizing such sale (or lease or transfer)?"

9
10 A majority of the votes cast on such question shall be required
11 in order to approve and authorize such sale, lease or other
12 transfer. If the question receives less than the required
13 majority, then the city council and the board of trustees shall
14 have no power to sell, lease or otherwise transfer the property,
15 real and personal, of the hospital unless and until the city
16 council has submitted another question to authorize such sale,
17 lease or transfer authorized under this section and such question
18 is approved by the required majority of the qualified voters
19 voting thereon. However, in no event shall a question under this
20 section be submitted to the voters sooner than twelve months
21 from the date of the last question under this section and after
22 the adoption of another resolution by no less than two-thirds of
23 the board of trustees and a subsequent vote by a majority of the
24 city council to again submit the question to the voters.

25 3. Upon passage of such question by the voters, the board
26 of trustees shall sell and dispose of such property, or lease or
27 transfer such property, in the manner proposed by the board of
28 trustees. The deed of the board of trustees, duly authorized by

1 the board of trustees and duly acknowledged and recorded, shall
2 be sufficient to convey to the purchaser all the rights, title,
3 interest, and estate in the hospital property.

4 4. No sale, lease, or other transfer of such hospital
5 property shall be authorized or effective unless such transaction
6 provides sufficient proceeds to be available to be applied to the
7 payment of all interest and principal of any outstanding valid
8 indebtedness incurred for purchase of the site or construction of
9 the hospital, or for any repairs, alterations, improvements, or
10 additions thereto, or for operation of the hospital.

11 5. Assets donated to the hospital pursuant to section
12 96.210 shall be used to provide health care services in the city
13 and in the geographic region previously served by the hospital,
14 except as otherwise prescribed by the terms of the deed, gift,
15 devise, or bequest.

16 115.003. The purpose of sections 115.001 to 115.[641] 801
17 [and sections 51.450 and 51.460] is to simplify, clarify and
18 harmonize the laws governing elections. It shall be construed
19 and applied so as to accomplish its purpose.

20 115.005. Notwithstanding any other provision of law to the
21 contrary, sections 115.001 to 115.[641] 801 shall apply to all
22 public elections in the state, except elections for which
23 ownership of real property is required by law for voting.

24 115.007. No part of sections 115.001 to 115.[641] 801 [and
25 sections 51.450 and 51.460] shall be construed as impliedly
26 amended or repealed by subsequent legislation if such
27 construction can be reasonably avoided.

28 115.121. 1. The general election day shall be the first

1 Tuesday after the first Monday in November of even-numbered
2 years.

3 2. The primary election day shall be the ~~first~~ third
4 Tuesday after the first Monday in ~~August~~ June of even-numbered
5 years.

6 3. The election day for the election of political
7 subdivision and special district officers shall be the first
8 Tuesday after the first Monday in April each year; and shall be
9 known as the general municipal election day.

10 4. In addition to the primary election day provided for in
11 subsection 2 of this section, for the year 2003, the first
12 Tuesday after the first Monday in August, 2003, also shall be a
13 primary election day for the purpose of permitting school
14 districts and other political subdivisions of Missouri to incur
15 debt in accordance with the provisions of article VI, section
16 26(a) through 26(g) of the Missouri Constitution, with the
17 approval of four-sevenths of the eligible voters of such school
18 district or other political subdivision voting thereon, to
19 provide funds for the acquisition, construction, equipping,
20 improving, restoration, and furnishing of facilities to replace,
21 repair, reconstruct, reequip, restore, and refurnish facilities
22 damaged, destroyed, or lost due to severe weather, including,
23 without limitation, windstorms, hail storms, flooding, tornadic
24 winds, rainstorms and the like which occurred during the month of
25 April or May, 2003.

26 5. Notwithstanding the provisions of subsection 1 of
27 section 115.125, the officer or agency calling an election on the
28 first Tuesday after the first Monday of August, 2003, shall

1 notify the election authorities responsible for conducting the
2 election not later than 5:00 p.m. on the sixth Tuesday prior to
3 the election. For purposes of any such election, all references
4 in section 115.125 to the tenth Tuesday prior to such election
5 shall be deemed to refer to the sixth Tuesday prior to such
6 election.

7 6. In addition to the general election day provided for in
8 subsection 1 of this section, for the year 2009 the first Tuesday
9 after the first Monday in November shall be a general election
10 day for the purpose of permitting school districts to incur debt
11 in accordance with the provisions of article VI, section 26(a)
12 through 26(g) of the Missouri Constitution, with the approval of
13 four-sevenths of the eligible voters of such school district, to
14 provide funds for school districts to acquire, construct, equip,
15 improve, restore, and furnish public school facilities in
16 accordance with the provisions of Section 54F of the Internal
17 Revenue Code of 1986, as amended, which provides for qualified
18 school construction bonds and the provisions of Section 54AA of
19 the Internal Revenue Code of 1986, as amended, which provides for
20 build America bonds, as well as in accordance with the provisions
21 of Section 103 of the Internal Revenue Code of 1986, as amended,
22 which provides for traditional government bonds.

23 7. Notwithstanding the provisions of subsection 3 of this
24 section to the contrary, if the general municipal election date
25 falls on Passover, the general municipal election may be
26 conducted on the Tuesday following the last day of Passover at
27 the discretion of the election authority.

28 115.249. No voting machine shall be used unless it:

1 (1) Permits voting in absolute secrecy;

2 (2) Permits each voter to vote for as many candidates for
3 each office as he is lawfully entitled to vote for, and no other;

4 (3) Permits each voter to vote for or against as many
5 questions as he is lawfully entitled to vote on, and no more;

6 (4) Provides facilities for each voter to cast as many
7 write-in votes for each office as he is lawfully entitled to
8 cast;

9 (5) Permits each voter in a primary election to vote for
10 the candidates of only one party announced by the voter in
11 advance;

12 [(6) Permits each voter at a presidential election to vote
13 by use of a single lever for the candidates of one party or group
14 of petitioners for president, vice president and their
15 presidential electors;

16 (7)] (6) Correctly registers or records and accurately
17 counts all votes cast for each candidate and for and against each
18 question;

19 [(8)] (7) Is provided with a lock or locks which prevent
20 any movement of the voting or registering mechanism and any
21 tampering with the mechanism;

22 [(9)] (8) Is provided with a protective counter or other
23 device whereby any operation of the machine before or after an
24 election will be detected;

25 [(10)] (9) Is provided with a counter which shows at all
26 times during the election how many people have voted on the
27 machine;

28 [(11)] (10) Is provided with a proper light which enables

1 each voter, while voting, to clearly see the ballot labels[;

2 (12) Is provided with a mechanical model, illustrating the
3 manner of voting on the machine, suitable for the instruction of
4 voters].

5 115.259. At each polling place using voting machines, the
6 exterior of the voting machines shall be in plain view of the
7 election judges. [Each voting machine shall be so placed that,
8 unless its construction requires otherwise, the ballot labels can
9 be plainly seen by the election judges when not in use by
10 voters.] The election judges shall not be nor permit any other
11 person to be in any position, or near any position, that enables
12 them to see how any voter votes or has voted. The election
13 judges may inspect any machine as necessary to make sure the
14 ballot label is in its proper place and that the machine has not
15 been damaged.

16 115.281. 1. Except as provided in subsection 3 of this
17 section, not later than the sixth Tuesday prior to each election,
18 or within fourteen days after candidates' names or questions are
19 certified pursuant to section 115.125, the election authority
20 shall cause to have printed and made available a sufficient
21 quantity of absentee ballots, ballot envelopes and mailing
22 envelopes. As soon as possible after the proper officer calls a
23 special state or county election, the election authority shall
24 cause to have printed and made available a sufficient quantity of
25 absentee ballots, ballot envelopes and mailing envelopes.

26 2. All absentee ballots for an election shall be in the
27 same form as the official ballots for the election[, except that
28 in lieu of the words "Official Ballot" at the top of the ballot,

1 the words "Official Absentee Ballot" shall appear].

2 3. Not later than forty-five days before each general,
3 primary, and special election for federal office, the election
4 authority shall cause to have printed and made available a
5 sufficient quantity of absentee ballots, ballot envelopes, and
6 mailing envelopes for absent uniformed services voters and
7 overseas voters and shall begin transmitting such ballots to
8 absent uniformed services and overseas voters who have submitted
9 an absentee ballot application.

10 115.299. 1. To count absentee votes on election day, the
11 election authority shall appoint a sufficient number of teams of
12 election judges comprised of an equal number of judges [. Each
13 team shall consist of four judges, two] from each major political
14 party.

15 2. The teams so appointed shall meet on election day after
16 the time fixed by law for the opening of the polls at a central
17 location designated by the election authority. The election
18 authority shall deliver the absentee ballots to the teams, and
19 shall maintain a record of the delivery. The record shall
20 include the number of ballots delivered to each team and shall
21 include a signed receipt from two judges, one from each major
22 political party. The election authority shall provide each team
23 with a ballot box, tally sheets and statements of returns as are
24 provided to a polling place.

25 3. Each team shall count votes on all absentee ballots
26 designated by the election authority.

27 4. One member of each team, closely observed by another
28 member of the team from a different political party, shall open

1 each envelope and call the voter's name in a clear voice.
2 Without unfolding the ballot, two team members, one from each
3 major political party, shall initial the ballot, and an election
4 judge shall place the ballot, still folded, in a ballot box. No
5 ballot box shall be opened until all of the ballots a team is
6 counting have been placed in the box. The votes shall be tallied
7 and the returns made as provided in sections 115.447 to 115.525
8 for paper ballots. After the votes on all ballots assigned to a
9 team have been counted, the ballots and ballot envelopes shall be
10 placed on a string and enclosed in sealed containers marked
11 "voted absentee ballots and ballot envelopes from the election
12 held, 20....". All rejected absentee
13 ballots and envelopes shall be enclosed and sealed in a separate
14 container marked "rejected absentee ballots and envelopes from
15 the election held, 20....". On the outside
16 of each voted ballot and rejected ballot container, each member
17 of the team shall write his name, and all such containers shall
18 be returned to the election authority. Upon receipt of the
19 returns and ballots, the election authority shall tabulate the
20 absentee vote along with the votes certified from each polling
21 place in its jurisdiction.

22 5. Election judges shall count votes on all absentee
23 ballots pursuant to sections 115.453 and 115.455.

24 115.300. In each jurisdiction, the election authority may
25 start, not earlier than the fifth day prior to the election, the
26 preparation of absentee ballots for tabulation on the election
27 day. The election authority shall give notice to the county
28 chairman of each major political party forty-eight hours prior to

1 beginning preparation of absentee ballot envelopes. Absentee
2 ballot preparation shall be completed by teams of election
3 authority employees or teams of election judges, with each team
4 consisting of one member from each major political party.

5 [Absentee ballots shall not be counted by the same persons as
6 those who removed such ballots from their envelopes.]

7 115.341. For the nomination of candidates to be elected at
8 the next general election, a primary election shall be held on
9 the [first] third Tuesday after the first Monday in [August] June
10 of even-numbered years.

11 115.349. 1. Except as otherwise provided in sections
12 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's
13 name shall be printed on any official primary ballot unless the
14 candidate has filed a written declaration of candidacy in the
15 office of the appropriate election official by 5:00 p.m. on the
16 [last] first Tuesday in [March] February immediately preceding
17 the primary election.

18 2. No declaration of candidacy for nomination in a primary
19 election shall be accepted for filing prior to 8:00 a.m. on the
20 [last] second Tuesday in [February] January immediately preceding
21 the primary election.

22 3. Each declaration of candidacy for nomination in a
23 primary election shall state the candidate's full name, residence
24 address, office for which such candidate proposes to be a
25 candidate, the party ticket on which he or she wishes to be a
26 candidate and that if nominated and elected he or she will
27 qualify. The declaration shall be in substantially the following
28 form:

1 I,, a resident and registered voter of
2 the county of and the state of Missouri, residing at
3, do announce myself a candidate for the office of
4 on the party ticket, to be voted for at the primary
5 election to be held on the day of, ..., and I further
6 declare that if nominated and elected to such office I will
7 qualify.

8 Subscribed and sworn to
9 Signature of candidate before me this day
10 of,

11
12 Residence address Signature of election
13 official or other officer
14 authorized to administer oaths

15

16 Mailing address (if different)

17

18 Telephone Number (Optional)

19
20 If the declaration is to be filed in person, it shall be
21 subscribed and sworn to by the candidate before an official
22 authorized to accept his or her declaration of candidacy. If the
23 declaration is to be filed by certified mail pursuant to the
24 provisions of subsection 2 of section 115.355, it shall be
25 subscribed and sworn to by the candidate before a notary public
26 or other officer authorized by law to administer oaths.

27 115.383. Any election authority duly notified that a name
28 is to be removed from the ballot or that a new candidate has been

1 selected shall have the proper corrections made on the ballot
2 before the ballot is delivered to or while it is in the hands of
3 the printer. [If time does not permit correction of the printed
4 ballot, the election authority shall have prepared small pasters,
5 suitable for covering the name to be removed on the ballots,
6 ballot labels or on the protective covering of each voting
7 machine. If a candidate is replaced by a candidate pursuant to
8 the provisions of sections 115.361 to 115.377, the paster shall
9 contain the name to be substituted in letters of the same size
10 and type as all other names on the ballot. The appropriate
11 election authorities shall see that such pasters are properly
12 applied to the ballots, ballot labels or voting machines before
13 they are used for voting.]

14 115.419. Before the time fixed by law for the opening of
15 the polls, the election authority shall deliver to each polling
16 place a sufficient number of sample ballots[,] and ballot cards
17 [or ballot labels] which shall be a different color but otherwise
18 exact copies of the official ballot. The samples shall be
19 printed in the form of a diagram, showing the form of the ballot
20 or the front of the marking device or voting machine as it will
21 appear on election day. The secretary of state may develop
22 multilingual sample ballots to be made available to election
23 authorities.

24 115.423. [After the time fixed by law for the opening of the
25 polls but] Not more than one hour before the voting begins, the
26 election judges shall open the ballot box and show to all present
27 that it is empty. The ballot box shall then be locked and the
28 key kept by one of the election judges. The ballot box shall not

1 be opened or removed from public view from the time it is shown
2 to be empty until the polls close or until the ballot box is
3 delivered for counting pursuant to section 115.451. If voting
4 machines are used, the election judges shall call attention to
5 the counter on the face of each voting machine and show to all
6 present that it is set at zero.

7 115.433. After the voter's identification certificate has
8 been initialed, two judges of different political parties, or one
9 judge from a major political party and one judge with no
10 political affiliation, shall, where paper ballots [or ballot
11 cards] are used, initial the voter's ballot or ballot card.

12 115.436. 1. In jurisdictions using paper ballots and
13 electronic voting systems, when any physically disabled voter
14 within two hundred feet of a polling place is unable to enter the
15 polling place, two election judges, one of each major political
16 party, shall take a ballot, equipment and materials necessary for
17 voting to the voter. The voter shall mark the ballot, and the
18 election judges shall place the ballot in an envelope[, seal it]
19 and place it in the ballot box.

20 2. In jurisdictions using voting machines, when any
21 physically disabled voter within two hundred feet of a polling
22 place is unable to enter the polling place, two election judges,
23 one of each major political party, shall take an absentee ballot
24 to the voter. The voter shall mark the ballot, and the election
25 judges shall place the ballot in an envelope[, seal it] and place
26 it in the ballot box.

27 3. Upon request to the election authority, the election
28 authority in any jurisdiction shall designate a polling place

1 accessible to any physically disabled voter other than the
2 polling place to which that voter would normally be assigned to
3 vote, provided that the candidates and issues voted on are
4 consistent for both the designated location and the voting
5 location for the voter's precinct. Upon request, the election
6 authority may also assign members of the physically disabled
7 voter's household and such voter's caregiver to the same voting
8 location as the physically disabled voter. In no event shall a
9 voter be assigned under this section to a designated location
10 apart from the established voting location for the voter's
11 precinct if the voter objects to the assignment to another
12 location.

13 115.439. 1. If paper ballots [or ballot cards] are used,
14 the voter shall, immediately upon receiving his ballot, go alone
15 to a voting booth and vote his ballot in the following manner:

16 (1) When a voter desires to vote for a candidate, the voter
17 shall place a [cross (X)] distinguishing mark [in the square
18 directly to the left of] immediately beside the name of the
19 candidate for which the voter intends to vote;

20 (2) [If the voter desires to vote for a person whose name
21 does not appear on the ballot, the voter may cross out a name
22 which appears on the ballot for the office and write the name of
23 the person for whom he wishes to vote above or below the
24 crossed-out name and place a cross (X) mark in the square
25 directly to the left of the crossed-out name.] If a write-in
26 line appears on the ballot, the voter may write the name of the
27 person for whom he or she wishes to vote on the line and place a
28 [cross (X)] distinguishing mark [in the square directly to the

1 left of] immediately beside the name;

2 (3) If the ballot is one which contains no candidates, the
3 voter shall place a [cross (X)] distinguishing mark [in the
4 square] directly to the left of each "yes" or "no" he desires to
5 vote.

6
7 No voter shall vote for the same person more than once for the
8 same office at the same election.

9 [2. For purposes of this section, a punch or sensor mark or
10 any other mark clearly indicating that the voter intends to mark
11 that particular square shall be equivalent to a cross (X) mark.

12 3. If voting machines are used, the voter shall,
13 immediately upon direction by the judges, go alone to a voting
14 machine, close the curtain and vote in substantially the same
15 manner provided in subsection 1 of this section. Rather than
16 placing cross (X) marks on the ballot, however, the voter shall
17 cause the designations to appear on the face of the voting
18 machine, cast any write-in votes and register his votes as
19 directed in the instructions for use of the machine.

20 4.] 2. If the voter accidentally spoils his ballot or
21 ballot card or makes an error, he may return it to an election
22 judge and receive another. The election judge shall mark
23 "SPOILED" across the ballot or ballot card and place it in an
24 envelope marked "SPOILED BALLOTS". After another ballot has been
25 prepared in the manner provided in section 115.433, the ballot
26 shall be given to the voter for voting.

27 [5. The election authority may authorize the use of a
28 sticker or other item containing a write-in candidate's name, in

1 lieu of a handwritten name. All such stickers and items used by
2 election authorities shall conform to rules and regulations
3 promulgated by the secretary of state regarding the form of such
4 stickers and items. The secretary of state shall promulgate
5 rules and regulations to prescribe uniform specifications for the
6 form of such stickers and items. If authorized, such sticker or
7 item shall contain a cross (X) mark, or other mark as described
8 in subsection 2 of this section, in the square directly left of
9 the candidate's name and the office for which the candidate is a
10 write-in candidate. A write-in vote that does not meet the
11 requirements of this subsection which appears on a ballot shall
12 not be counted pursuant to sections 115.447 to 115.525. In those
13 jurisdictions using an electronic voting system which utilizes
14 mark sense or optical scan technology and if the election
15 authority authorizes the use of stickers for write-ins, such
16 system shall be programmed to identify and separate those ballots
17 which contain an office in which write-in candidates are eligible
18 to receive votes, and which contain less votes than a voter is
19 entitled to cast. In addition, such sticker shall be considered
20 "printed matter" as defined in subsection 8 of section 130.031,
21 and as such shall contain the designation required by subsection
22 8 of section 130.031.

23 6.] 3. Any rule or portion of a rule, as that term is
24 defined in section 536.010, that is created under the authority
25 delegated in this section shall become effective only if it
26 complies with and is subject to all of the provisions of chapter
27 536 and, if applicable, section 536.028. This section and
28 chapter 536 are nonseverable and if any of the powers vested with

1 the general assembly pursuant to chapter 536 to review, to delay
2 the effective date or to disapprove and annul a rule are
3 subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28, 2002,
5 shall be invalid and void.

6 115.449. 1. As soon as the polls close in each polling
7 place using paper ballots, the election judges shall begin to
8 count the votes. If earlier counting is begun pursuant to
9 section 115.451, the election judges shall complete the count in
10 the manner provided by this section. Once begun, no count shall
11 be adjourned or postponed until all proper votes have been
12 counted.

13 2. One counting judge, closely observed by the other
14 counting judge, shall take the ballots out of the ballot box one
15 at a time and, holding each ballot in such a way that the other
16 counting judge may read it, shall read the name of each candidate
17 properly voted for and the office sought by each. As each vote
18 is called out, the recording judges shall each record the vote on
19 a tally sheet. The votes for and against all questions shall
20 likewise be read and recorded. If more than one political
21 subdivision or special district is holding an election on the
22 same day at the same polling place and using separate ballots,
23 the counting judges may separate the ballots of each political
24 subdivision and special district and first read one set, then the
25 next and so on until all proper votes have been counted.

26 [3. After all of the proper votes on a ballot have been
27 counted, the ballot shall be strung on a wire or string in the
28 order read. After all the ballots have been read and strung and

1 after the recording judges agree on the count, the wire or string
2 shall be tied in a firm knot, and the knot shall be sealed so
3 that it cannot be untied without breaking the seal. Rejected and
4 spoiled ballots shall not be strung but shall be placed in
5 separate containers marked "REJECTED" and "SPOILED".

6 4.] 3. After the recording of all proper votes, the
7 recording judges shall compare their tallies. When the recording
8 judges agree on the count, they shall sign both of the tally
9 sheets, and one of the recording judges shall announce in a loud
10 voice the total number of votes for each candidate and for and
11 against each question.

12 [5.] 4. After the announcement of the vote, the election
13 judges shall record the vote totals in the appropriate places on
14 each statement of returns. If any tally sheet or statement of
15 returns contains no heading for any question, the election judges
16 shall write the necessary headings on the tally sheet or
17 statement of returns.

18 115.455. Election judges shall count votes on each question
19 in the following manner:

20 (1) If a [cross (X)] distinguishing mark appears [in the
21 square] immediately beside or below the "YES", the question shall
22 be counted as voted for. If a [cross (X)] distinguishing mark
23 appears [in the square] immediately beside or below the "NO", the
24 question shall be counted as voted against;

25 (2) If a [cross (X)] distinguishing mark appears [in the
26 square] immediately beside or below the "YES" and [in the square]
27 immediately beside or below the "NO", the question shall neither
28 be counted as voted for nor as voted against.

1 115.456. 1. [The election authority shall be responsible
2 for ensuring that the standards provided for in this subsection
3 are followed when counting ballots cast using punch card voting
4 systems.

5 (1) Prior to tabulating ballots, all ballot cards shall be
6 inspected by the election authority for hanging chad and damaged
7 ballots. Inspection of ballot cards shall be conducted using the
8 following guidelines:

9 (a) The election authority shall appoint a bipartisan team
10 to inspect all ballots where a question exists about the
11 condition of a ballot or existence of a hanging chad;

12 (b) All ballot card inspections conducted under this
13 section shall be conducted by examining the ballot card from the
14 back of the card;

15 (c) If a ballot is determined to be damaged, the bipartisan
16 team shall spoil the original ballot and duplicate the voter's
17 intent on the new ballot, provided that there is an undisputed
18 method of matching the duplicate card with its original after it
19 has been placed with the remainder of the ballot cards from the
20 precinct; and

21 (d) If a chad is determined to be hanging by two or less
22 corners, it shall be removed prior to being tabulated.

23 (2) In jurisdictions using punch card systems, a valid vote
24 for a write-in candidate shall include the following:

25 (a) A distinguishing mark in the square immediately
26 preceding the name of the candidate;

27 (b) The name of the candidate. If the name of the
28 candidate as written by the voter is substantially as declared by

1 the candidate it shall be counted, or in those circumstances
2 where the names of candidates are similar, the names of
3 candidates as shown on voter registration records shall be
4 counted; and

5 (c) The name of the office for which the candidate is to be
6 elected.

7 (3) Whenever a hand recount of votes is ordered of punch
8 card ballots, the provisions of this subsection shall be used to
9 determine voter intent.

10 2.] The election authority shall be responsible for
11 ensuring that the standards provided for in this subsection are
12 followed when counting ballots cast using optical scan voting
13 systems.

14 (1) Prior to tabulating ballots, all machines shall be
15 programmed to reject blank ballots where no votes are recorded or
16 where an overvote is registered in any race.

17 (2) In jurisdictions using precinct-based tabulators, the
18 voter who cast the ballot shall review the ballot if rejected, if
19 the voter wishes to make any changes to the ballot, or if the
20 voter would like to spoil the ballot and receive another ballot.

21 (3) In jurisdictions using centrally based tabulators, if a
22 ballot is so rejected it shall be reviewed by a bipartisan team
23 using the following criteria:

24 (a) If a ballot is determined to be damaged, the bipartisan
25 team shall spoil the original ballot and duplicate the voter's
26 intent on the new ballot, provided that there is an undisputed
27 method of matching the duplicate card with its original after it
28 has been placed with the remainder of the ballot cards from such

precinct; and

(b) Voter intent shall be determined using the following criteria:

a. There is a distinguishing mark in the printed oval or divided arrow adjacent to the name of the candidate or issue preference;

b. There is a distinguishing mark adjacent to the name of the candidate or issue preference; or

c. The name of the candidate or issue preference is circled.

(4) In jurisdictions using optical scan systems, a valid vote for a write-in candidate shall include the following:

(a) A distinguishing mark in the designated location preceding the name of the candidate;

(b) The name of the candidate. If the name of the candidate as written by the voter is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(c) The name of the office for which the candidate is to be elected.

(5) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions of this subsection shall be used to determine voter intent.

[3.] 2. The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using paper ballots.

1 (1) Voter intent shall be determined using the following
2 criteria:

3 (a) There is a distinguishing mark in the square adjacent
4 to the name of the candidate or issue preference;

5 (b) There is a distinguishing mark adjacent to the name of
6 the candidate or issue preference; or

7 (c) The name of the candidate or issue preference is
8 circled.

9 (2) In jurisdictions using paper ballots, a valid vote for
10 a write-in candidate shall include the following:

11 (a) A distinguishing mark in the square immediately
12 preceding the name of the candidate;

13 (b) The name of the candidate. If the name of the
14 candidate as written by the voter is substantially as declared by
15 the candidate it shall be counted, or in those circumstances
16 where the names of candidates are similar, the names of
17 candidates as shown on voter registration records shall be
18 counted; and

19 (c) The name of the office for which the candidate is to be
20 elected.

21 (3) Whenever a hand recount of votes of paper ballots is
22 ordered, the provisions of this subsection shall be used to
23 determine voter intent.

24 [4. When write-in stickers are used, the sticker shall
25 contain the name of a candidate, the office sought, and a
26 distinguishing mark in the square immediately preceding the name
27 of the candidate and shall be approximately one inch by three
28 inches in size with black print on a white background. The

1 sticker shall be placed by the voter on the write-in line
2 designating the office sought or the sticker shall be placed by
3 the voter on the write-in line on the secrecy envelope.

4 5.] 3. Notwithstanding any other provision of law, a
5 distinguishing mark indicating a general preference for or
6 against the candidates of one political party shall not be
7 considered a vote for or against any specific candidate.

8 115.493. The election authority shall keep all voted
9 ballots, ballot cards, processed ballot materials in electronic
10 form and write-in forms, and all applications, statements,
11 certificates, affidavits and computer programs relating to each
12 election for [twelve] twenty-two months after the date of the
13 election. During the time that voted ballots, ballot cards,
14 processed ballot materials in electronic form and write-in forms
15 are kept by the election authority, it shall not open or inspect
16 them or allow anyone else to do so, except upon order of a
17 legislative body trying an election contest, a court or a grand
18 jury. After [twelve] twenty-two months, the ballots, ballot
19 cards, processed ballot materials in electronic form, write-in
20 forms, applications, statements, certificates, affidavits and
21 computer programs relating to each election may be destroyed. If
22 an election contest, grand jury investigation or civil or
23 criminal case relating to the election is pending at the time,
24 however, the materials shall not be destroyed until the contest,
25 investigation or case is finally determined.

26 115.607. 1. No person shall be elected or shall serve as a
27 member of a county committee who is not, for one year next before
28 the person's election, both a registered voter of and a resident

1 of the county and the committee district from which the person is
2 elected if such district shall have been so long established, and
3 if not, then of the district or districts from which the same
4 shall have been taken. Except as provided in subsections 2, 3,
5 4, 5, and 6 of this section, the membership of a county committee
6 of each established political party shall consist of a man and a
7 woman elected from each township or ward in the county.

8 2. In each county of the first classification containing
9 the major portion of a city which has over three hundred thousand
10 inhabitants, [two members of the committee, a man and a woman,
11 shall be elected from each ward in the city. Any township
12 entirely contained in the city shall have no additional
13 representation on the county committee. The election authority
14 for the county shall, not later than six months after the
15 decennial census has been reported to the President of the United
16 States, divide the most populous township outside the city into
17 eight subdistricts of contiguous and compact territory and as
18 nearly equal in population as practicable. The subdistricts
19 shall be numbered from one upward consecutively, which numbers
20 shall, insofar as practicable, be retained upon reapportionment.
21 Two members of the county committee, a man and a woman, shall be
22 elected from each such subdistrict. Six members of the
23 committee, three men and three women, shall be elected from the
24 second and third most populous townships outside the city. Four
25 members of the committee, two men and two women, shall be elected
26 from the other townships outside the city] members of the
27 committee shall be elected from the districts of each state
28 representative that are in any way contained in the county in the

1 following manner: within six months after each legislative
2 reapportionment, each portion of a legislative district contained
3 in the county shall constitute a single committee district. Two
4 men and two women shall be elected from each committee district
5 formed from a legislative district that is wholly contained in
6 the county as members of the committee, two men and two women
7 shall be elected from each committee district formed from a
8 legislative district that is predominantly contained in the
9 county as members of the committee, and one man and one woman
10 shall be elected from each committee district formed from a
11 legislative district that is partially but not predominantly
12 contained in the county as members of the committee.

13 3. [In any city which has over three hundred thousand
14 inhabitants, the major portion of which is located in a county
15 with a charter form of government, for the portion of the city
16 located within such county and notwithstanding section 82.110, it
17 shall be the duty of the election authority, not later than six
18 months after the decennial census has been reported to the
19 President of the United States, to divide such cities into not
20 less than twenty-four nor more than twenty-five wards after each
21 decennial census. Wards shall be so divided that the number of
22 inhabitants in any ward shall not exceed any other ward of the
23 city and within the same county, by more than five percent,
24 measured by the number of the inhabitants determined at the
25 preceding decennial census.

26 4.] In each county of the first classification containing a
27 portion, but not the major portion, of a city which has over
28 three hundred thousand inhabitants, ten members of the committee,

1 five men and five women, shall be elected from the district of
2 each state representative wholly contained in the county in the
3 following manner: within six months after each legislative
4 reapportionment, the election authority shall divide each
5 legislative district wholly contained in the county into five
6 committee districts of contiguous territory as compact and as
7 nearly equal in population as may be; two members of the
8 committee, a man and a woman, shall be elected from each
9 committee district. The election authority shall divide the area
10 of the county located within legislative districts not wholly
11 contained in the county into similar committee districts; two
12 members of the committee, a man and a woman, shall be elected
13 from each committee district.

14 [5.] 4. In each city not situated in a county, two members
15 of the committee, a man and a woman, shall be elected from each
16 ward.

17 [6.] 5. In all counties with a charter form of government
18 and a population of over nine hundred thousand inhabitants, the
19 county committee persons shall be elected from each township.
20 Within ninety days after August 28, 2002, and within six months
21 after each decennial census has been reported to the President of
22 the United States, the election authority shall divide the county
23 into twenty-eight compact and contiguous townships containing
24 populations as nearly equal in population to each other as is
25 practical.

26 [7.] 6. If any election authority has failed to adopt a
27 reapportionment plan by the deadline set forth in this section,
28 the county commission, sitting as a reapportionment commission,

1 shall within sixty days after the deadline, adopt a
2 reapportionment plan. Changes of township, ward, or precinct
3 lines shall not affect the terms of office of incumbent party
4 committee members elected from districts as constituted at the
5 time of their election.

6 144.020. 1. A tax is hereby levied and imposed for the
7 privilege of titling new and used motor vehicles, trailers,
8 boats, and outboard motors purchased or acquired for use on the
9 highways or waters of this state which are required to be titled
10 under the laws of the state of Missouri and, except as provided
11 in subdivision (9) of this subsection, upon all sellers for the
12 privilege of engaging in the business of selling tangible
13 personal property or rendering taxable service at retail in this
14 state. The rate of tax shall be as follows:

15 (1) Upon every retail sale in this state of tangible
16 personal property, [including but not limited to] excluding motor
17 vehicles, trailers, motorcycles, mopeds, motortricycles, boats
18 and outboard motors required to be titled under the laws of the
19 state of Missouri and subject to tax under subdivision (9) of
20 this subsection, a tax equivalent to four percent of the purchase
21 price paid or charged, or in case such sale involves the exchange
22 of property, a tax equivalent to four percent of the
23 consideration paid or charged, including the fair market value of
24 the property exchanged at the time and place of the exchange,
25 except as otherwise provided in section 144.025;

26 (2) A tax equivalent to four percent of the amount paid for
27 admission and seating accommodations, or fees paid to, or in any
28 place of amusement, entertainment or recreation, games and
29 athletic events;

1 (3) A tax equivalent to four percent of the basic rate paid
2 or charged on all sales of electricity or electrical current,
3 water and gas, natural or artificial, to domestic, commercial or
4 industrial consumers;

5 (4) A tax equivalent to four percent on the basic rate paid
6 or charged on all sales of local and long distance
7 telecommunications service to telecommunications subscribers and
8 to others through equipment of telecommunications subscribers for
9 the transmission of messages and conversations and upon the sale,
10 rental or leasing of all equipment or services pertaining or
11 incidental thereto; except that, the payment made by
12 telecommunications subscribers or others, pursuant to section
13 144.060, and any amounts paid for access to the internet or
14 interactive computer services shall not be considered as amounts
15 paid for telecommunications services;

16 (5) A tax equivalent to four percent of the basic rate paid
17 or charged for all sales of services for transmission of messages
18 of telegraph companies;

19 (6) A tax equivalent to four percent on the amount of sales
20 or charges for all rooms, meals and drinks furnished at any
21 hotel, motel, tavern, inn, restaurant, eating house, drugstore,
22 dining car, tourist cabin, tourist camp or other place in which
23 rooms, meals or drinks are regularly served to the public;

24 (7) A tax equivalent to four percent of the amount paid or
25 charged for intrastate tickets by every person operating a
26 railroad, sleeping car, dining car, express car, boat, airplane
27 and such buses and trucks as are licensed by the division of
28 motor carrier and railroad safety of the department of economic
29 development of Missouri, engaged in the transportation of persons

1 for hire;

2 (8) A tax equivalent to four percent of the amount paid or
3 charged for rental or lease of tangible personal property,
4 provided that if the lessor or renter of any tangible personal
5 property had previously purchased the property under the
6 conditions of "sale at retail" or leased or rented the property
7 and the tax was paid at the time of purchase, lease or rental,
8 the lessor, sublessor, renter or subrenter shall not apply or
9 collect the tax on the subsequent lease, sublease, rental or
10 subrental receipts from that property. The purchase, rental or
11 lease of motor vehicles, trailers, motorcycles, mopeds,
12 motortricycles, boats, and outboard motors shall be taxed and the
13 tax paid as provided in this section and section 144.070. In no
14 event shall the rental or lease of boats and outboard motors be
15 considered a sale, charge, or fee to, for or in places of
16 amusement, entertainment or recreation nor shall any such rental
17 or lease be subject to any tax imposed to, for, or in such places
18 of amusement, entertainment or recreation. Rental and leased
19 boats or outboard motors shall be taxed under the provisions of
20 the sales tax laws as provided under such laws for motor vehicles
21 and trailers. Tangible personal property which is exempt from
22 the sales or use tax under section 144.030 upon a sale thereof is
23 likewise exempt from the sales or use tax upon the lease or
24 rental thereof.

25 (9) A tax equivalent to four percent of the purchase price,
26 as defined in section 144.070, of new and used motor vehicles,
27 trailers, boats, and outboard motors purchased or acquired for
28 use on the highways or waters of this state which are required to
29 be registered under the laws of the state of Missouri. This tax

1 is imposed on the person titling such property, and shall be paid
2 according to the procedures in section 144.440.

3 2. All tickets sold which are sold under the provisions of
4 sections 144.010 to 144.525 which are subject to the sales tax
5 shall have printed, stamped or otherwise endorsed thereon, the
6 words "This ticket is subject to a sales tax.".

7 144.021. The purpose and intent of sections 144.010 to
8 144.510 is to impose a tax upon the privilege of engaging in the
9 business, in this state, of selling tangible personal property
10 and those services listed in section 144.020 and for the
11 privilege of titling new and used motor vehicles, trailers,
12 boats, and outboard motors purchased or acquired for use on the
13 highways or waters of this state which are required to be
14 registered under the laws of the state of Missouri. Except as
15 otherwise provided, the primary tax burden is placed upon the
16 seller making the taxable sales of property or service and is
17 levied at the rate provided for in section 144.020. Excluding
18 subdivision (9) of subsection 1 of section 144.020 and sections
19 144.070, 144.440 and 144.450, the extent to which a seller is
20 required to collect the tax from the purchaser of the taxable
21 property or service is governed by section 144.285 and in no way
22 affects sections 144.080 and 144.100, which require all sellers
23 to report to the director of revenue their "gross receipts",
24 defined herein to mean the aggregate amount of the sales price of
25 all sales at retail, and remit tax at four percent of their gross
26 receipts.

27 144.069. All sales taxes associated with the titling of
28 motor vehicles, trailers, boats and outboard motors under the
29 laws of Missouri shall be [deemed to be consummated] imposed at

1 the rate in effect at the location of the address of the owner
2 thereof, and all sales taxes associated with the titling of
3 vehicles under leases of over sixty-day duration of motor
4 vehicles, trailers, boats and outboard motors [subject to sales
5 taxes under this chapter] shall be [deemed to be consummated]
6 imposed at the rate in effect, unless the vehicle, trailer, boat
7 or motor has been registered and sales taxes have been paid prior
8 to the consummation of the lease agreement at the location of the
9 address of the lessee thereof on the date the lease is
10 consummated, and all applicable sales taxes levied by any
11 political subdivision shall be collected on such sales from the
12 purchaser or lessee by the state department of revenue on that
13 basis.

14 144.071. 1. In all cases where the purchaser of a motor
15 vehicle, trailer, boat or outboard motor rescinds the sale of
16 that motor vehicle, trailer, boat or outboard motor and receives
17 a refund of the purchase price and returns the motor vehicle,
18 trailer, boat or outboard motor to the seller within sixty
19 calendar days from the date of the sale, any [the sales or use]
20 tax paid to the department of revenue shall be refunded to the
21 purchaser upon proper application to the director of revenue.

22 2. In any rescission whereby a seller reacquires title to
23 the motor vehicle, trailer, boat or outboard motor sold by him
24 and the reacquisition is within sixty calendar days from the date
25 of the original sale, the person reacquiring the motor vehicle,
26 trailer, boat or outboard motor shall be entitled to a refund of
27 any [sales or use] tax paid as a result of the reacquisition of
28 the motor vehicle, trailer, boat or outboard motor, upon proper
29 application to the director of revenue.

1 3. Any city or county [sales or use] tax refunds shall be
2 deducted by the director of revenue from the next remittance made
3 to that city or county.

4 4. Each claim for refund must be made within one year after
5 payment of the tax on which the refund is claimed.

6 5. As used in this section, the term "boat" includes all
7 motorboats and vessels as the terms "motorboat" and "vessel" are
8 defined in section 306.010.

9 144.440. 1. [In addition to all other taxes now or
10 hereafter levied and imposed upon every person for the privilege
11 of using the highways or waterways of this state, there is hereby
12 levied and imposed a tax equivalent to four percent of the
13 purchase price, as defined in section 144.070, which is paid or
14 charged on new and used motor vehicles, trailers, boats, and
15 outboard motors purchased or acquired for use on the highways or
16 waters of this state which are required to be registered under
17 the laws of the state of Missouri.

18 2.] At the time the owner of any [such] motor vehicle,
19 trailer, boat, or outboard motor makes application to the
20 director of revenue for an official certificate of title and the
21 registration of the same as otherwise provided by law, he shall
22 present to the director of revenue evidence satisfactory to the
23 director showing the purchase price paid by or charged to the
24 applicant in the acquisition of the motor vehicle, trailer, boat,
25 or outboard motor, or that the motor vehicle, trailer, boat, or
26 outboard motor is not subject to the tax herein provided and, if
27 the motor vehicle, trailer, boat, or outboard motor is subject to
28 the tax herein provided, the applicant shall pay or cause to be
29 paid to the director of revenue the tax provided herein.

1 [3.] 2. In the event that the purchase price is unknown or
2 undisclosed, or that the evidence thereof is not satisfactory to
3 the director of revenue, the same shall be fixed by appraisement
4 by the director.

5 [4.] 3. No certificate of title shall be issued for such
6 motor vehicle, trailer, boat, or outboard motor unless the tax
7 for the privilege of using the highways or waters of this state
8 has been paid or the vehicle, trailer, boat, or outboard motor is
9 registered under the provisions of subsection 5 of this section.

10 [5.] 4. The owner of any motor vehicle, trailer, boat, or
11 outboard motor which is to be used exclusively for rental or
12 lease purposes may pay the tax due thereon required in section
13 144.020 at the time of registration or in lieu thereof may pay a
14 [use] sales tax as provided in sections 144.010, 144.020, 144.070
15 and 144.440. A [use] sales tax shall be charged and paid on the
16 amount charged for each rental or lease agreement while the motor
17 vehicle, trailer, boat, or outboard motor is domiciled in the
18 state. If the owner elects to pay upon each rental or lease, he
19 shall make an affidavit to that effect in such form as the
20 director of revenue shall require and shall remit the tax due at
21 such times as the director of revenue shall require.

22 [6.] 5. In the event that any leasing company which rents
23 or leases motor vehicles, trailers, boats, or outboard motors
24 elects to collect a [use] sales tax[,] all of its lease receipts
25 would be subject to the [use] sales tax[,] regardless of whether
26 or not the leasing company previously paid a sales tax when the
27 vehicle, trailer, boat, or outboard motor was originally
28 purchased.

29 [7.] 6. The provisions of this section, and the tax

1 imposed by this section, shall not apply to manufactured homes.

2 144.450. In order to avoid double taxation under the
3 provisions of sections 144.010 to 144.510, any person who
4 purchases a motor vehicle, trailer, manufactured home, boat, or
5 outboard motor in any other state and seeks to register or obtain
6 a certificate of title for it in this state shall be credited
7 with the amount of any sales tax or use tax shown to have been
8 previously paid by him on the purchase price of such motor
9 vehicle, trailer, boat, or outboard motor in such other state.
10 The tax imposed by subdivision (9) of subsection 1 of section
11 [144.440] 144.020 shall not apply:

12 (1) [To motor vehicles, trailers, boats, or outboard motors
13 on account of which the sales tax provided by sections 144.010 to
14 144.510 shall have been paid;

15 (2)] To motor vehicles, trailers, boats, or outboard motors
16 brought into this state by a person moving any such vehicle,
17 trailer, boat, or outboard motor into Missouri from another state
18 who shall have registered and in good faith regularly operated
19 any such motor vehicle, trailer, boat, or outboard motor in such
20 other state at least ninety days prior to the time it is
21 registered in this state;

22 [(3)] (2) To motor vehicles, trailers, boats, or outboard
23 motors acquired by registered dealers for resale;

24 [(4)] (3) To motor vehicles, trailers, boats, or outboard
25 motors purchased, owned or used by any religious, charitable or
26 eleemosynary institution for use in the conduct of regular
27 religious, charitable or eleemosynary functions and activities;

28 [(5)] (4) To motor vehicles owned and used by religious
29 organizations in transferring pupils to and from schools

supported by such organization;

[(6)] (5) Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

[(7)] (6) To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

[(8)] (7) To farm tractors.

144.455. The tax imposed by subdivision (9) of subsection 1 of section [144.440] 144.020 on motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of subdivision (9) of subsection 1 of section 144.020 and sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by subdivision (9) of subsection 1 of section [144.440] 144.020 on motor vehicles and trailers shall be promptly deposited [in the state treasury to the credit of the state highway department fund] as dictated by article IV, section 30(b) of the Constitution of Missouri.

144.525. Notwithstanding any other provision of law, the amount of any state and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor

1 required to be registered under the provisions of sections
2 301.001 to 301.660 and sections 306.010 to 306.900 shall be
3 computed on the rate of such taxes in effect on the date the
4 purchaser submits application for a certificate of ownership to
5 the director of revenue; except that, in the case of a sale at
6 retail, of an outboard motor by a retail business which is not
7 required to be registered under the provisions of section
8 301.251, the amount of state and local [sales and use] taxes due
9 shall be computed on the rate of such taxes in effect as of the
10 calendar date of the retail sale.

11 144.610. 1. A tax is imposed for the privilege of storing,
12 using or consuming within this state any article of tangible
13 personal property, excluding motor vehicles, trailers,
14 motorcycles, mopeds, motortricycles, boats, and outboard motors
15 required to be titled under the laws of the state of Missouri and
16 subject to tax under subdivision (9) of subsection 1 of section
17 144.020, purchased on or after the effective date of sections
18 144.600 to 144.745 in an amount equivalent to the percentage
19 imposed on the sales price in the sales tax law in section
20 144.020. This tax does not apply with respect to the storage,
21 use or consumption of any article of tangible personal property
22 purchased, produced or manufactured outside this state until the
23 transportation of the article has finally come to rest within
24 this state or until the article has become commingled with the
25 general mass of property of this state.

26 2. Every person storing, using or consuming in this state
27 tangible personal property subject to the tax in subsection 1 of
28 this section is liable for the tax imposed by this law, and the
29 liability shall not be extinguished until the tax is paid to this

1 state, but a receipt from a vendor authorized by the director of
2 revenue under the rules and regulations that he prescribes to
3 collect the tax, given to the purchaser in accordance with the
4 provisions of section 144.650, relieves the purchaser from
5 further liability for the tax to which receipt refers.

6 3. Because this section no longer imposes a Missouri use
7 tax on the storage, use, or consumption of motor vehicles,
8 trailers, motorcycles, mopeds, motortricycles, boats, and
9 outboard motors required to be titled under the laws of the state
10 of Missouri, in that the state sales tax is now imposed on the
11 titling of such property, the local sales tax, rather than the
12 local use tax, applies.

13 144.613. Notwithstanding the provisions of section 144.655,
14 at the time the owner of any new or used boat or boat motor which
15 was acquired after December 31, 1979, in a transaction subject to
16 [use] tax under [the Missouri use tax law] this chapter makes
17 application to the director of revenue for the registration of
18 the boat or boat motor, he shall present to the director of
19 revenue evidence satisfactory to the director of revenue showing
20 the purchase price, exclusive of any charge incident to the
21 extension of credit, paid by or charged to the applicant in the
22 acquisition of the boat or boat motor, or that no sales or use
23 tax was incurred in its acquisition, and, if [sales or use] tax
24 was incurred in its acquisition, that the same has been paid, or
25 the applicant shall pay or cause to be paid to the director of
26 revenue the [use] tax provided by [the Missouri use tax law] this
27 chapter in addition to the registration fees now or hereafter
28 required according to law, and the director of revenue shall not
29 issue a registration for any new or used boat or boat motor

1 subject to [use] tax [as provided in the Missouri use tax law] in
2 this chapter until the tax levied for the use of the same under
3 [sections 144.600 to 144.748] this chapter has been paid.

4 144.615. There are specifically exempted from the taxes
5 levied in sections 144.600 to 144.745:

6 (1) Property, the storage, use or consumption of which this
7 state is prohibited from taxing pursuant to the constitution or
8 laws of the United States or of this state;

9 (2) Property, the gross receipts from the sale of which are
10 required to be included in the measure of the tax imposed
11 pursuant to the Missouri sales tax law;

12 (3) Tangible personal property, the sale or other transfer
13 of which, if made in this state, would be exempt from or not
14 subject to the Missouri sales tax pursuant to the provisions of
15 subsection 2 of section 144.030;

16 (4) Motor vehicles, trailers, boats, and outboard motors
17 subject to the tax imposed by section [144.440] 144.020;

18 (5) Tangible personal property which has been subjected to
19 a tax by any other state in this respect to its sales or use;
20 provided, if such tax is less than the tax imposed by sections
21 144.600 to 144.745, such property, if otherwise taxable, shall be
22 subject to a tax equal to the difference between such tax and the
23 tax imposed by sections 144.600 to 144.745;

24 (6) Tangible personal property held by processors,
25 retailers, importers, manufacturers, wholesalers, or jobbers
26 solely for resale in the regular course of business;

27 (7) Personal and household effects and farm machinery used
28 while an individual was a bona fide resident of another state and
29 who thereafter became a resident of this state, or tangible

1 personal property brought into the state by a nonresident for his
2 own storage, use or consumption while temporarily within the
3 state.

4 190.335. 1. In lieu of the tax levy authorized under
5 section 190.305 for emergency telephone services, the county
6 commission of any county may impose a county sales tax for the
7 provision of central dispatching of fire protection, including
8 law enforcement agencies, emergency ambulance service or any
9 other emergency services, including emergency telephone services,
10 which shall be collectively referred to herein as "emergency
11 services", and which may also include the purchase and
12 maintenance of communications and emergency equipment, including
13 the operational costs associated therein, in accordance with the
14 provisions of this section.

15 2. Such county commission may, by a majority vote of its
16 members, submit to the voters of the county, at a public
17 election, a proposal to authorize the county commission to impose
18 a tax under the provisions of this section. If the residents of
19 the county present a petition signed by a number of residents
20 equal to ten percent of those in the county who voted in the most
21 recent gubernatorial election, then the commission shall submit
22 such a proposal to the voters of the county.

23 3. The ballot of submission shall be in substantially the
24 following form:

25 Shall the county of
26 (insert name of county) impose a county sales tax of
27 (insert rate of percent) percent for the purpose of providing
28 central dispatching of fire protection, emergency ambulance
29 service, including emergency telephone services, and other

1 emergency services?

2 ☐ YES

☐ NO

3 If a majority of the votes cast on the proposal by the qualified
4 voters voting thereon are in favor of the proposal, then the
5 ordinance shall be in effect as provided herein. If a majority
6 of the votes cast by the qualified voters voting are opposed to
7 the proposal, then the county commission shall have no power to
8 impose the tax authorized by this section unless and until the
9 county commission shall again have submitted another proposal to
10 authorize the county commission to impose the tax under the
11 provisions of this section, and such proposal is approved by a
12 majority of the qualified voters voting thereon.

13 4. The sales tax may be imposed at a rate not to exceed one
14 percent on the receipts from the sale at retail of all tangible
15 personal property or taxable services at retail within any county
16 adopting such tax, if such property and services are subject to
17 taxation by the state of Missouri under the provisions of
18 sections 144.010 to 144.525. The sales tax shall not be
19 collected prior to thirty-six months before operation of the
20 central dispatching of emergency services.

21 5. Except as modified in this section, all provisions of
22 sections 32.085 and 32.087 shall apply to the tax imposed under
23 this section.

24 6. Any tax imposed pursuant to section 190.305 shall
25 terminate at the end of the tax year in which the tax imposed
26 pursuant to this section for emergency services is certified by
27 the board to be fully operational. Any revenues collected from
28 the tax authorized under section 190.305 shall be credited for

1 the purposes for which they were intended.

2 7. At least once each calendar year, the board shall
3 establish a tax rate, not to exceed the amount authorized, that
4 together with any surplus revenues carried forward will produce
5 sufficient revenues to fund the expenditures authorized by this
6 act. Amounts collected in excess of that necessary within a
7 given year shall be carried forward to subsequent years. The
8 board shall make its determination of such tax rate each year no
9 later than September first and shall fix the new rate which shall
10 be collected as provided in this act. Immediately upon making
11 its determination and fixing the rate, the board shall publish in
12 its minutes the new rate, and it shall notify every retailer by
13 mail of the new rate.

14 8. Immediately upon the affirmative vote of voters of such
15 a county on the ballot proposal to establish a county sales tax
16 pursuant to the provisions of this section, the county commission
17 shall appoint the initial members of a board to administer the
18 funds and oversee the provision of emergency services in the
19 county. Beginning with the general election in 1994, all board
20 members shall be elected according to this section and other
21 applicable laws of this state. At the time of the appointment of
22 the initial members of the board, the commission shall relinquish
23 and no longer exercise the duties prescribed in this chapter with
24 regard to the provision of emergency services and such duties
25 shall be exercised by the board.

26 9. The initial board shall consist of seven members
27 appointed without regard to political affiliation, who shall be
28 selected from, and who shall represent, the fire protection

1 districts, ambulance districts, sheriff's department,
2 municipalities, any other emergency services and the general
3 public. This initial board shall serve until its successor board
4 is duly elected and installed in office. The commission shall
5 ensure geographic representation of the county by appointing no
6 more than four members from each district of the county
7 commission.

8 10. Beginning in 1994, three members shall be elected from
9 each district of the county commission and one member shall be
10 elected at large, such member to be the chairman of the board.
11 Of those first elected, four members from districts of the county
12 commission shall be elected for terms of two years and two
13 members from districts of the county commission and the member at
14 large shall be elected for terms of four years. In 1996, and
15 thereafter, all terms of office shall be four years.

16 Notwithstanding any other provision of law, if there is no
17 candidate for an open position on the board, then no election
18 shall be held for that position and it shall be considered
19 vacant, to be filled pursuant to the provisions of section
20 190.339, and, if there is only one candidate for each open
21 position, no election shall be held and the candidate or
22 candidates shall assume office at the same time and in the same
23 manner as if elected.

24 11. Notwithstanding the provisions of subsections 8 to 10
25 of this section to the contrary, in any county of the first
26 classification with more than two hundred forty thousand three
27 hundred but fewer than two hundred forty thousand four hundred
28 inhabitants, any emergency telephone service 911 board appointed

1 by the county under section 190.309 which is in existence on the
2 date the voters approve a sales tax under this section shall
3 continue to exist and shall have the powers set forth under
4 section 190.339.

5 12. (1) Notwithstanding the provisions of subsections 8 to
6 10 of this section to the contrary, in any county of the second
7 classification with more than fifty-four thousand two hundred but
8 fewer than fifty-four thousand three hundred inhabitants or any
9 county of the first classification with more than fifty thousand
10 but fewer than seventy thousand inhabitants that has approved a
11 sales tax under this section, the county commission shall appoint
12 the members of the board to administer the funds and oversee the
13 provision of emergency services in the county.

14 (2) The board shall consist of seven members appointed
15 without regard to political affiliation. Except as provided in
16 subdivision (4) of this subsection, each member shall be one of
17 the following:

18 (a) The head of any of the county's fire protection
19 districts, or a designee;

20 (b) The head of any of the county's ambulance districts, or
21 a designee;

22 (c) The county sheriff, or a designee;

23 (d) The head of any of the police departments in the
24 county, or a designee; and

25 (e) The head of any of the county's emergency management
26 organizations, or a designee.

27 (3) Upon the appointment of the board under this
28 subsection, the board shall have the power provided in section

1 190.339 and shall exercise all powers and duties exercised by the
2 county commission under this chapter, and the commission shall
3 relinquish all powers and duties relating to the provision of
4 emergency services under this chapter to the board.

5 (4) In any county of the first classification with more
6 than fifty thousand but fewer than seventy thousand inhabitants,
7 each of the entities listed in subdivision (2) of this subsection
8 shall be represented on the board by at least one member.

9 473.730. 1. Every county in this state, [and] except the
10 city of St. Louis, shall elect a public administrator at the
11 general election in the year 1880, and every four years
12 thereafter, who shall be ex officio public guardian and
13 conservator in and for the public administrator's county. A
14 candidate for public administrator shall be at least twenty-one
15 years of age and a resident of the state of Missouri and the
16 county in which he or she is a candidate for at least one year
17 prior to the date of the general election for such office. The
18 candidate shall also be a registered voter and shall be current
19 in the payment of all personal and business taxes. Before
20 entering on the duties of the public administrator's office, the
21 public administrator shall take the oath required by the
22 constitution, and enter into bond to the state of Missouri in a
23 sum not less than ten thousand dollars, with two or more
24 securities, approved by the court and conditioned that the public
25 administrator will faithfully discharge all the duties of the
26 public administrator's office, which bond shall be given and oath
27 of office taken on or before the first day of January following
28 the public administrator's election, and it shall be the duty of

1 the judge of the court to require the public administrator to
2 make a statement annually, under oath, of the amount of property
3 in the public administrator's hands or under the public
4 administrator's control as such administrator, for the purpose of
5 ascertaining the amount of bond necessary to secure such
6 property; and such court may from time to time, as occasion shall
7 require, demand additional security of such administrator, and,
8 in default of giving the same within twenty days after such
9 demand, may remove the administrator and appoint another.

10 2. The public administrator in all counties, in the
11 performance of the duties required by chapters 473, 474, and 475,
12 is a public officer. The duties specified by section 475.120 are
13 discretionary. The county shall defend and indemnify the public
14 administrator against any alleged breach of duty, provided that
15 any such alleged breach of duty arose out of an act or omission
16 occurring within the scope of duty or employment.

17 3. After January 1, 2001, all salaried public
18 administrators shall be considered county officials for purposes
19 of section 50.333, subject to the minimum salary requirements set
20 forth in section 473.742.

21 4. The public administrator for the city of St. Louis shall
22 be appointed by a majority of the circuit judges and associate
23 circuit judges of the twenty-second judicial circuit, en banc.
24 Such public administrator shall meet the same qualifications and
25 requirements specified in subsection 1 of this section for
26 elected public administrators. The elected public administrator
27 holding office on the effective date of this section shall
28 continue to hold such office for the remainder of his or her

1 term.

2 473.733. The public administrator's certificate of
3 election, if applicable, official oath and bond shall be filed
4 and recorded with the probate clerk, and copies thereof,
5 certified under the seal of such court, shall be evidence. Any
6 person injured by the breach of such bond may sue upon the same
7 in the name of the state for his own use.

8 473.737. 1. Each public administrator elected or
9 appointed, as now or as hereafter provided for in sections
10 473.730 to 473.767, is hereby declared to be an officer for the
11 county in which such administrator is elected [and for the city
12 of St. Louis, if elected therein] or appointed. The county
13 commissions of each county in this state shall make suitable
14 provision for an office for the public administrator in the
15 courthouse of the county if suitable space may be had for such an
16 office, and shall be provided as soon as the county commission
17 shall be of the opinion that the business in charge of the public
18 administrator is such as to reasonably require a separate office
19 for the convenience of the public. The public administrator of
20 the city of St. Louis shall have suitable and convenient offices
21 provided for him or her in the civil courts building by that
22 city.

23 2. Each public administrator of a county, except a county
24 of the first classification having a charter form of government,
25 in which a state mental hospital is located, or any county of the
26 second classification which contains a habilitation center
27 operated by the department of mental health and which does not
28 adjoin a county of the first classification shall be entitled to

1 one secretary for one hundred cases or more handled by the office
2 of the public administrator in the immediately preceding calendar
3 year. Each secretary employed pursuant to the provisions of this
4 subsection shall be paid in the same pay range as a court clerk
5 II in the circuit court personnel system. All compensation paid
6 secretaries employed pursuant to the provisions of this
7 subsection shall be paid out of the county treasury and the
8 commissioner of administration shall annually reimburse each
9 county for the compensation so paid upon proper demand being made
10 out of appropriations made for that purpose. The public
11 administrator in such counties may also appoint a person to act
12 as public administrator to serve during the absence of the public
13 administrator.

14 3. The governing bodies of each county and each city not
15 within a county of this state may provide clerical personnel, not
16 qualifying as status of deputy, for the public administrator of
17 the county, and such personnel shall be provided when the
18 governing body is of the opinion that the business in charge of
19 the public administrator is such as to reasonably require such
20 personnel for the welfare of the public.

21 Section 1. Notwithstanding the provisions of section 1.140
22 to the contrary, the provisions of sections 32.087, 144.020,
23 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525,
24 144.610, 144.613, and 144.615, as amended by this act, shall be
25 nonseverable, and if any provision is for any reason held to be
26 invalid, such decision shall invalidate all of the remaining
27 provisions of section 32.087, 144.020, 144.021, 144.069, 144.071,
28 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and
29 144.615, as amended by this act.

1 Section B. The repeal and reenactment of sections 115.121,
2 115.341, and 115.349 shall become effective on January 1, 2016.

3 Section C. Because of the need to ensure local hospitals
4 can continue the purpose of providing the best care and treatment
5 of the sick, disabled, and infirm persons as decided on by the
6 people in the affected community and because of the detrimental
7 impact that lost local revenues has had on the domestic economy
8 by placing Missouri dealers of motor vehicles, outboard motors,
9 boats and trailers at a competitive disadvantage to non-Missouri
10 dealers of motor vehicles, outboard motors, boats and trailers,
11 the repeal and reenactment of sections 32.087, 144.020, 144.021,
12 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610,
13 144.613, and 144.615 and the enactment of sections 96.229 and 1
14 of this act is deemed necessary for the immediate preservation of
15 the public health, welfare, peace and safety, and is hereby
16 declared to be an emergency act within the meaning of the
17 constitution, repeal and reenactment of sections 32.087, 144.020,
18 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525,
19 144.610, 144.613, and 144.615 and the enactment of sections
20 96.229 and 1 of this act shall be in full force and effect upon
21 its passage and approval.